

920602-98865

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of : Bradshaw William Amos, et al.
Serial No. : 10/527,308
Filed : March 9, 2005
For : Spectral Discrimination Apparatus And Method
Customer number : : 23644

RESPONSE TO DECISION DATED NOVEMBER 22, 2007
and
FURTHER PETITION PURSUANT TO 37 C.F.R. §1.497(d)

Honorable Director of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is being filed in view of the decision mailed November 22, 2007 regarding this application.

In the decision, the Patent and Trademark Office required two items, namely (identified by PTO No.)(1) a statement of the inventor being added, and (3) written consent of the assignee.

With respect to item (1), the assignee has, finally, been able to obtain the required Declaration of Dr. Noui. That document is enclosed.

With respect to item (3), written consent of the assignee is also submitted herewith. In addition, assignments of the application demonstrating assignment to Medical Research Council are attached hereto, and are being recorded concurrently herewith.

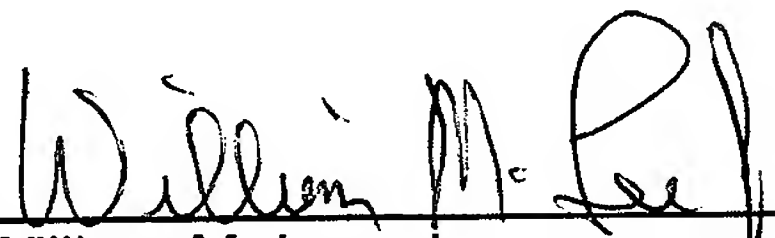
Finally, to complete the record for this application, a Power of Attorney for the application is also being submitted herewith.

It is believed that all is in order, and the application may now proceed with the proper addition of Dr. Noui as an inventor.

As this paper is being filed three months after the November 22, 2007 date of the decision, an appropriate petition for a one month extension of time is also submitted herewith.

February 22, 2008

Respectfully submitted,



William M. Lee, Jr.
Registration No. 26,935
Barnes & Thornburg LLP
P.O. Box 2786
Chicago, Illinois 60690-2786
(312) 214-4800
(312) 759-5646 (fax)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of : Bradshaw William Amos, et al.
Serial No. : 10/527,308
Filed : March 9, 2005
For : Spectral Discrimination Apparatus And Method
Customer No. : 23644

DECLARATION OF DR. LOUAHAB NOUI

Honorable Director of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Dr. Louahab Noui declares as follows:

He is a co-inventor of the subject matter of International Application No. PCT/GB2003/002437, the nationalization of which in the United States has been filed under Serial No. 10/527,308. His omission as being named as an inventor in the International Application or the U.S. Application occurred without deceptive intention on his part.

He further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the likes are made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such wilful false statements may jeopardize the validity of this application or any patent issued thereon.

Dated: 14/02/2008

L. Noui
Louahab Noui.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Medical Research Council

Application No./Patent No.: 10/527,308 Filed/Issue Date: June 4, 2008

Entitled:

Medical Research Council, a corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
OR
B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Graham L Wagner Signature
Associate Director
Licensing and Agreements
Medical Research Council Technology

20/02/2008 Date
44 (c) 207 291 5317 Telephone Number

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Docket No. 920602-98865

ASSIGNMENTJoint Inventorship

WHEREAS, Bradshaw William Amos and Dr. Louahab Noui, hereinafter called the "Assignors", have invented a new and useful Spectral Discrimination Apparatus and Method, for a full description of which reference is here made to an application for Letters Patent of the United States executed by them on even date herewith; and

WHEREAS, Medical Research Council, a company organized and existing under the laws of Great Britain, having a principal office and place of business at 20 Park Crescent, London W1B 1AL, Great Britain, hereinafter called the "Assignee", is desirous of acquiring the entire right, title and interest in and to said invention, the application above identified, and in, to and under Letters Patent which may be obtained for said invention, as hereinafter more fully set forth; and

WHEREAS, Dr. Louahab Noui, one of the Assignors identified above, was employed by Bio-Rad Microscience Limited at the time of the invention described herein, and is assigning rights to the Assignee as the successor in right to Bio-Rad Microscience Limited by virtue of an Assignment dated September 13, 2005;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN, be it known that for and in consideration of the sum of \$1.00, and other valuable and legally

sufficient considerations, the receipt of which by the said Assignors from the said Assignee is hereby acknowledged, the said Assignors have sold, assigned and transferred, and by these presents do sell, assign and transfer unto the said Assignee, the entire right, title and interest for the United States in and to the invention and application hereinabove identified, and any Letters Patent of the United States that may issue for said invention as well as all continuations, continuations-in-part, divisions and reissues thereof, and any Letters Patents therefor in all countries foreign to the United States; to have and to hold for the sole and exclusive use and benefit of the said Assignee, its successors and assigns to the full end of the term for which any and all of said Letters Patent for said invention that may issue.

And the said Assignors do hereby covenant and agree, for themselves and their legal representatives, that they will assist their said Assignee in the prosecution of the application herein identified; in the making and prosecution of any other applications for Letters Patent that the said Assignee may elect to make covering the invention herein identified, as hereinbefore set forth, including any application for reissue, application for reexamination, or any proceeding in the United States Patent and Trademark Office affecting said invention, investing in the said Assignee like exclusive title in and to all such other applications and Letters Patent; and in the prosecution of any interference or reexamination which may arise involving said invention, or any application or Letters Patent herein contemplated; and

that they will execute and deliver to the said Assignee any and all additional papers which may be requested by the said Assignee to fully carry out the terms of this assignment.

And the Commissioner of Patents and Trademarks is hereby authorized and requested to issue Letters Patent to the said Assignee in accordance with the terms of this assignment.

IN TESTIMONY WHEREOF, the said Assignors have hereunto set their hands on the date indicated below.

Dated: _____

Bradshaw William Amos

Dated: 14/02/2008

L. Nouri

Dr. Louahab Nouri

ASSIGNMENT

Joint Inventorship

WHEREAS, Bradshaw William Amos and Dr. Louahab Noui, hereinafter called the "Assignors", have invented a new and useful Spectral Discrimination Apparatus and Method, for a full description of which reference is here made to an application for Letters Patent of the United States executed by them on even date herewith; and

WHEREAS, Medical Research Council, a company organized and existing under the laws of Great Britain, having a principal office and place of business at 20 Park Crescent, London W1B 1AL, Great Britain, hereinafter called the "Assignee", is desirous of acquiring the entire right, title and interest in and to said invention, the application above identified, and in, to and under Letters Patent which may be obtained for said invention, as hereinafter more fully set forth;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN, be it known that for and in consideration of the sum of \$1.00, and other valuable and legally sufficient considerations, the receipt of which by the said Assignors from the said Assignee is hereby acknowledged, the said Assignors have sold, assigned and transferred, and by these presents do sell, assign and transfer unto the said Assignee, the entire right, title and interest for the United States in and to the invention and application hereinabove identified, and

any Letters Patent of the United States that may issue for said invention as well as all continuations, continuations-in-part, divisions and reissues thereof, and any Letters Patents therefor in all countries foreign to the United States; to have and to hold for the sole and exclusive use and benefit of the said Assignee, its successors and assigns to the full end of the term for which any and all of said Letters Patent for said invention that may issue.

And the said Assignors do hereby covenant and agree, for themselves and their legal representatives, that they will assist their said Assignee in the prosecution of the application herein identified; in the making and prosecution of any other applications for Letters Patent that the said Assignee may elect to make covering the invention herein identified, as hereinbefore set forth, including any application for reissue, application for reexamination, or any proceeding in the United States Patent and Trademark Office affecting said invention, investing in the said Assignee like exclusive title in and to all such other applications and Letters Patent; and in the prosecution of any interference or reexamination which may arise involving said invention, or any application or Letters Patent herein contemplated; and that they will execute and deliver to the said Assignee any and all additional papers which may be requested by the said Assignee to fully carry out the terms of this assignment.

And the Commissioner of Patents and Trademarks is hereby authorized and requested to issue Letters Patent to the said Assignee in accordance with the terms of this assignment.

IN TESTIMONY WHEREOF, the said Assignors have hereunto set their hands on the date indicated below.

Dated: 12 April 06

W. B. Amos
Bradshaw William Amos

Dated: _____

Dr. Louahab Noui

DOCKET NO. 920602-98865
CUSTOMER NO. 23644

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)	
)	
Bradshaw William Amos)	
)	
Serial No.:)	Group Art Unit:
)	
Filed:)	
)	Examiner:
Title: Spectral Discrimination Apparatus)	
And Method)	
)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**POWER OF ATTORNEY FOR
PATENT APPLICATION**

Medical Research Council, a corporation having principal offices at:

**20 Park Crescent
London
W1B 1AL
Great Britain**

the owner by assignment of the entire right, title and interest to the invention for Spectral Discrimination Apparatus And Method, and in and to the application for patent and any Letters Patent, whether domestic or foreign, that may issue thereon, by virtue of the assignment (check as applicable)

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| <input checked="" type="checkbox"/> | Recorded Concurrently Herewith |
| <input type="checkbox"/> | Recorded on _____ |
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| <input type="checkbox"/> | Copy Attached |

hereby appoints the attorneys and/or agents associated with Customer Number 23644 to prosecute this application and transact all business in the Patent and Trademark Office connected therewith as its attorneys with full power of substitution and revocation, to prosecute all domestic and foreign patent applications, including PCT and EPO filings, relating to said invention and to transact all business connected therewith, including signing of all papers on its behalf and making alterations and amendments.

All communication regarding this application should be directed to: William M. Lee, Jr., (312) 214 - 4800.

The undersigned is the representative for the Assignee of the entire right, title and interest in the patent application identified above, and is authorized to act on behalf of the Assignee.

Date: 22nd June 2006

Name: Sheila Flight

Title:

Sheila M Flight Authorised signatory on behalf of Medical Research Council
